

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:

Case No. 2011-382

14 **OLUWAPELUMI BADMUS**
15 **1511 Anaheim Street, Apt. F**
16 **Harbor City, CA 90710**

STATEMENT OF ISSUES

17 **Applicant for Registered Nurse License**

18 **Respondent.**

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
22 her official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
23 Department of Consumer Affairs.

24 2. On or about March 25, 2010, the Board received an application for a Request for
25 Reapply/Repeat Examination ("Application") from Oluwapelumi Badmus (Respondent). On or
26 about February 17, 2010, Respondent certified under penalty of perjury to the truthfulness of all
27 statements, answers, and representations in the application. The Board denied the application on
28 March 17, 2010.

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1 "In addition to any other penalties, a person found guilty of violating this
2 section, shall be liable for the actual damages sustained by the agency
3 administering the examination not to exceed ten thousand dollars
4 (\$10,000) and the costs of litigation.

5 "(c) If any provision of this section or the application thereof to any
6 person or circumstances is held invalid, that invalidity shall not affect
7 other provisions or applications of the section that can be given effect
8 without the invalid provision or application, and to this end the provisions
9 of this section are severable."

10 NCSBN/NCLEX

11 7. The National Council of State Boards of Nursing (NCSBN) develops and administers
12 the NCLEX-RN examinations on behalf of the nursing boards in the 50 states, the District of
13 Columbia, and four U.S. territories. Every registered nurse must pass the NCLEX-RN
14 examination before s/he can be licensed to practice.

15 8. The NCLEX-RN Candidate Bulletin lists as grounds for dismissal or cancellation of
16 results the following:

17 "Bringing any NCLEX –RN examination study materials (textbooks, notebooks, classroom
18 notes, etc.) to the testing center or accessing or attempting to access such study materials at any
19 time after the start of the examination, including but not limited to, break times."

20 9. The NCLEX-RN Examination Candidate Rules Checklist states the following:
21 "You may not access any study materials or ask for help from any other party in answering items
22 (in person, by phone or by e-mail) during your examination (including breaks)."

23 10. Before the commencement of an NCLEX-RN examination, each candidate must
24 review the above rules and affix his/her digital signature.

25 JUNE 30, 2009 NCLEX-RN EXAMINATION

26 11. Prior to June 30, 2009, Respondent took and did not pass the NCLEX-RN
27 examinations for the following dates: August 29, 2007, November 26, 2007, March 22, 2008,
28 July 29, 2008, October 30, 2008, and January 17, 2009.

12 On or about June 30, 2009, Respondent applied and took the NCLEX-RN
13 examination at the Pearson Professional Center in Gardena, California. At about 0840 hours,
14 while the examination had already commenced, Respondent took an unscheduled break for about

25 minutes. During the break, Respondent was observed reviewing and accessing studying materials in the restroom.

13. On or about July 14, 2009, NCSBN sent a letter to Respondent advising her that she had violated the examination rules, and that her examination results would be cancelled unless she appealed.

14. On or about September 28, 2009, Respondent informed NCSBN of her election not to appeal the final decision to cancel her examination results.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Act of Dishonesty, Fraud or Deceit)

15. Respondent's application is subject to denial under Code section 480, subdivision (a)(2), in that on or about June 30, 2009, Respondent committed an act of dishonesty, fraud or deceit with the intent to substantially benefit herself, when she accessed and/or possessed study materials in the restroom during the NCLEX-RN examination. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 7 - 14, as though set forth fully.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Subversion of Examination)

16. Respondent's application is subject to denial under Code sections 496 and 123, subdivision (b) in that on or about June 30, 2009, Respondent subverted the NCLEX-RN examination by having in her possession during the administration of the licensing examination books, equipment, data, notes, written or printed materials, other than the examination materials distributed, or otherwise authorized to be in her possession during the examination. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 7 - 14, as though set forth fully.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the Request for Reapply/Repeat Examination of Oluwapelumi Badmus; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 10-26-10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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